10

(3)

Supreme Court, U.S.
FILED
SEP 14 2009
OFFICE OF THE CLERK

No. 09-146

IN THE

SUPREME COURT of the UNITED STATES

LENNON ANDERSON,

Petitioner

v.

VANGUARD CAR RENTAL USA, INC.

Respondent

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

REPLY BRIEF

Lennon Anderson, pro-se

P.O. Box 8610
Coral Springs, FL 33075
Phone: 954/757-0329

TABLE OF CONTENTS

Page

TABLES OF AUTHORITIES..... ii

REVIEW OF THE ELEVENTH CIRCUIT DECISION IS NECESSARY TO RESOLVE A CONFLICT IN THE CIRCUIT AND BECAUSE THE CASE IS ONE OF NATIONAL IMPORTANCE..... 1

CONCLUSION..... 2

TABLE OF AUTHORITIES

Page

Conley v. Gibson, 355 U.S. 41, 45-46(1957)..... 1

REVIEW OF THE ELEVENTH CIRCUIT'S DECISION IS NECESSARY TO RESOLVE A CONFLICT IN THE CIRCUIT AND BECAUSE THIS CASE IS ONE OF NATIONAL IMPORTANCE

Vanguard Car Rental has operations in all 50 states of the United States. Setting work standards that are beyond human physical capabilities and then discharging employees for not meeting those standards is of national importance.

The decision of the Eleventh Circuit conflicts with *Conley v. Gibson,* 355 U.S. 41, 45-46(1957). A motion to dismiss a complaint under Federal Rules of Civil Procedure 12(b)(6) should not be granted unless the moving party has met the burden of showing beyond doubt that the plaintiff can prove no set of facts. Of all the cases cited by the petitioner, *Conley* is the only case that the respondent did not address in its opposition brief. This fact raises the suspicion of doubt. Doubt is what the petitioner requested this Court to review and, interestingly enough, the respondent's brief did not address anything that it met the requirement that the petitioner can prove no set of facts beyond doubt.

CONCLUSION

Based on the foregoing, Petitioner respectfully requests this Court to grant his Petition for Writ of Certiorari.

Respectfully submitted,

Lennon Anderson, Pro-se
P.O. Box 8610
Coral Springs, FL 33075
(954) 757-0329